

Legislative Analysis



CHILD WITH SPECIAL HEALTH CARE NEEDS: ELIMINATE TERM "CRIPPLED CHILDREN"

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4203 as introduced
Sponsor: Rep. Mike Callton, D.C.

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4204 as introduced
Sponsor: Rep. Joseph Graves

House Bill 4205 as introduced
Sponsor: Rep. Andy Schor

Senate Bill 113 passed by the Senate as (S-1)
Sponsor: Sen. Jim Marleau

Senate Bill 112 as passed by the Senate
Sponsor: Sen. Curtis Hertel, Jr.

Senate Bill 114 as passed by the Senate
Sponsor: Sen. Margaret E. O'Brien

House Committee: Health Policy
Senate Committee: Families, Seniors, and Human Services
Complete to 4-27-15

SUMMARY:

The bills would amend various acts to remove all references to the term "crippled children" and replace them with the term "children and youth with special health care needs." A description of each bill follows.

House Bill 4205 would amend the Public Health Code of 1978 (MCL 333.5801, et al) to re-title Part 58 so that it would be called "Children and Youth with Special Health Care Needs," and not "Crippled Children." This chapter of the Code describes the state programs and services for children suffering from an array of debilitating conditions, with the intent of improving their quality of life, and where possible enabling them to be self-sufficient.

Within Part 58 of the Public Health Code, a "crippled child" is defined as *a single or married individual under 21 years of age whose activity is or may become so restricted by disease or deformity as to reduce the individual's normal capacity for education and self-support.* Under House Bill 4205, this definition would apply, instead, to a "child or youth with special health care needs." Further, throughout the chapter, the terms "crippled child" and "crippled children" would be replaced by term "child or youth with special health care needs." Also, the bill would repeal Section 5811 of the Public Health Code which called for the creation of a five-person Crippled Children's Advisory Committee appointed by the governor.

House Bill 4203 would amend Public Act 327 of 1931 (MCL 450.157), which concerns hospitals and asylums, to replace the term "crippled children" with the term "children and youth with special health care needs." The bill would take effect 90 days after being enacted into law.

House Bill 4204 would amend the Social Welfare Act of 1939 (MCL 400.55), which allows county officials to administer a public welfare program, to replace the term "crippled children" with the term "children and youth with special health care needs." House Bill 4204 is tie-barred to House Bill 4205, meaning that it could not go into effect unless House Bill 4205 were also enacted into law.

Senate Bill 112 would amend Public Act 29 of 1957 (MCL 720.551), which provides for the disposition of certain files and records in the probate court, to refer to a "child or youth with special health care needs" rather than "crippled or afflicted children."

Public Act 29 of 1957 allows a probate court to order the destruction of certain files and records if more than six years have passed since the court's last order in the case. The provision applies to proceedings taken for the hospitalization of crippled or afflicted children. Under the bill, it instead would apply to proceedings taken for the hospitalization of a "child or youth with special health care needs" under Part 58 of the Public Health Code. Senate Bill 112, like House Bill 4204, is tie-barred to House Bill 4205.

Senate Bill 113 (S-1) and Senate Bill 114 would both amend Public Act 137 of 1921 (MCL 722.501 & 722.503), which authorizes counties to contract for the care and treatment of children, so the law would refer to a child or children with "special health care needs" rather than to a "crippled" child or children.

More specifically, Public Act 137 of 1921 allows a county board of commissioners to enter into agreements for up to one year with one or more agencies, institutions, or hospitals to receive aid, care for, support, maintain, treat, cure, or relieve any poor, sick, distressed, abandoned, needy, or crippled child or children living within the county who may be referred by a judge of the family division of circuit court (family court). **Senate Bill 113** would address this provision to replace the term "crippled child" or "crippled children." Also under PA 137, if a county enters into a contract described above, a family court judge must refer the poor, sick, distressed, abandoned, needy, or crippled child or children to the proper agency, institution, or hospital with which the county has contracted. **Senate Bill 114** would address this provision of the law.

FISCAL IMPACT:

These bills should not have a fiscal impact on the state or local units of government.

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